

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

KENNETH LAKE, CRYSTAL LAKE,
HAROLD BEAN, MELINDA BEAN, KYLE
PAHONA, ESTEL PAHONA, TIMOTHY
MOSELEY, ASHLEY MOSELEY, RYAN
WILSON, and HEATHER WILSON,

Plaintiffs,

vs.

OHANA MILITARY COMMUNITIES, LLC,
FOREST CITY RESIDENTIAL
MANAGEMENT, INC., DOE
DEFENDANTS 1-10,

Defendants.

CIV. NO. 16-00555 LEK

ORDER REMANDING CASE TO STATE COURT

This action was originally filed in the State of Hawai'i First Circuit Court ("state court") on September 14, 2016, but was removed by the defendants to this district court. [Notice of Removal, filed 10/13/16 (dkt. no. 1).] On March 15, 2017, this Court issued an order that denied the plaintiffs' motion to remand the case to the state court ("Order Denying Remand"). [Dkt. no. 49.¹] Ultimately, the Judgment in a Civil Case was entered in favor of the defendants on October 18, 2019, and the plaintiffs filed their notice of appeal on November 14,

¹ The Order Denying Remand is also available at 2017 WL 11515424.

2019. [Dkt. nos. 189, 192.] On September 29, 2021, the Ninth Circuit issued an opinion that: reversed the Order Denying Remand; vacated all subsequent decisions issued in this district court for lack of jurisdiction; and remanded the case to this Court with instructions to remand it to the state court. Lake v. Ohana Mil. Communities, LLC, 14 F.4th 993 (9th Cir. 2021). The defendants' motion for rehearing en banc was denied on December 7, 2021, and the Mandate was issued on January 4, 2022. [Dkt. nos. 206, 208.]

The instant is case is HEREBY REMANDED to the state court, pursuant to the Ninth Circuit's opinion. The Clerk's Office is DIRECTED to effectuate the remand on **January 25, 2022**, unless a timely motion for reconsideration of this Order is filed.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, January 10, 2022.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

KENNETH LAKE, ET AL. VS. OHANA MILITARY COMMUNITIES, LLC, ET AL;
CV 16-00555 LEK; ORDER REMANDING CASE TO STATE COURT